

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NELSON A. MURRAY,  
Plaintiff

MOTION TO SEAL  
(Medical Records)

Civil Action No. 17-CV-09121  
(PMH)

v.

DUTCHESS COUNTY, ROBERT BALKIND Commissioner  
Department of Public Works, in his individual capacity,  
MATTHEW DUTCAVICH an individual.

Defendants.

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Comes now plaintiff NELSON A. MURRAY, and requests leave to file under seal, pursuant to Rule 5(B) of the Court's Individual Practices and Standing Order 19-mc-583, Exhibits 46 and 48 of his already-served and contemporaneously filed opposition to Defendants' motion for summary judgement. These exhibits are medical records, which are "routinely" filed under seal in the district courts of New York. See, e.g., *Paravas v. Tran*, No. 21 Civ. 807, 2022 WL 741590, at \*1 (S.D.N.Y. Mar. 11, 2022), quoting *Whichard v. Doe*, 2010 WL 3395288, at \*7 (W.D.N.Y. Aug. 25, 2010)). Plaintiff seeks to file these medical records under seal to protect his privacy interest, as they reveal personal and detailed information about his mental health.

After conferring with Defendants regarding this request, Plaintiff notes that Defendants have not responded to our request to file this motion on consent.

The Viewing Level Plaintiff seeks to apply to these records is the “Selected Parties” level, as per sections 6.5 and 6.9 of the Electronic Case Filing Rules & Instructions.

<b>Exhibit No.</b>	<b>Description</b>
Exhibit 46	Progress Notes (Therapy) (Ogilvie) (April 2015 - June 2016)
Exhibit 48 a	Medical Report (09-23-21) (Dr. Clarfield)
Exhibit 48 b	CV Expert Witness (Dr. Clarfield)

Filed this the 27<sup>th</sup> day of September, 2022.

Poughkeepsie, New York

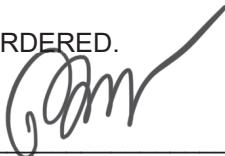
*D. Jen Brown*  
THE LAW OFFICE OF D. JEN BROWN, PLLC  
Counsel for Plaintiff  
272 Mill Street  
Poughkeepsie, NY 12601

Application denied without prejudice to renew.

Counsel is referred to Rule 5(B) of this Court's Individual Practices and Sections 6 and 21 of the Electronic Case Filing Rules & Instructions.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 132.

SO ORDERED.



Philip M. Halpern  
United States District Judge

Dated: White Plains, New York  
September 28, 2022